

Introduced by Senator Knight

January 30, 2001

An act to amend Section 1174.3 of, and to repeal Sections 221, 270, 1012.5, and 1167.25 of, the Code of Civil Procedure, to amend Sections 65460.2, 65917, and 68086 of, to repeal Sections 14035.1, 14045, 14680.8, 65083, 65913.5, and 69845.6 of, to repeal Article 2 (commencing with Section 11805) of Chapter 8 of Part 1 of Division 3 of Title 2 of, and to repeal Chapter 1 (commencing with Section 15290) of Part 6.6 of Division 3 of Title 2 of, the Government Code, to amend Section 43840 of, to repeal Sections 32354, 43841, 43841.5, and 50502.5 of, to repeal Article 11 (commencing with Section 1339.51) of Chapter 2 of Division 2 of, and to repeal Article 11.6 (commencing with Section 25242.5) of Chapter 6.5 of Division 20 of, the Health and Safety Code, to repeal Section 4612 of the Labor Code, to amend Sections 14114 and 14119 of, to repeal Sections 1348.5, 2053.3, 5020, 6247, 13823.20, and 14113 of, to repeal Chapter 2.67 (commencing with Section 1000.30) of Title 6 of Part 2 of, and to repeal Chapter 10.3 (commencing with Section 13894.5) of Title 6 of Part 4 of, the Penal Code, to repeal Section 48695 of, and to repeal Chapter 10.7 (commencing with Section 25920) of Division 15 of, the Public Resources Code, to repeal Sections 2802.5, 4764.1, 4764.2, 4764.3, and 4764.4 of the Vehicle Code, to amend Section 11265.5 of, to repeal Sections 729.11, 1760.3, 14115.6, 14133.61, 16515, 18600, 18919, and 18920 of, to repeal Article 2 (commencing with Section 18210) of Chapter 3 of Part 6 of Division 9 of, to repeal Chapter 1 (commencing with Section 8016) of Division 8 of, and to repeal Chapter 13 (commencing with Section 18990) of Part 6 of Division 9 of, the Welfare and Institutions Code, relating to pilot projects.



LEGISLATIVE COUNSEL'S DIGEST

SB 153, as introduced, Knight. Pilot projects: state and local programs.

Under existing law, various state and local pilot, demonstration, and other projects and programs of limited duration were created to, among other things, make studies, collect data, and make reports to the Legislature pertaining to, among other things, civil procedure, air pollution, transportation, housing, health and welfare, criminal law, juvenile justice, hazardous waste, and state property.

This bill would repeal certain of these provisions that have become obsolete and would make related technical and conforming changes.

Vote: majority. Appropriation: no. Fiscal committee: no. State-mandated local program: no.

The people of the State of California do enact as follows:

1 SECTION 1. Section 221 of the Code of Civil Procedure is
2 repealed.

3 ~~221. (a) A trial jury in civil actions in municipal and justice~~
4 ~~courts may consist of eight persons in the County of Los Angeles,~~
5 ~~pursuant to rules adopted by the Judicial Council, as an~~
6 ~~experimental project operative until July 1, 1989.~~

7 ~~(b) The Judicial Council shall appoint an advisory committee~~
8 ~~which shall include at least one judge of each court or courts in~~
9 ~~which the project will take place, one court administrator from that~~
10 ~~court or courts, or his or her designee, and one member of the Los~~
11 ~~Angeles County Bar Association, Trial Lawyers Section, who~~
12 ~~practices in the municipal or justice courts, to make~~
13 ~~recommendations regarding the design of the eight-person jury~~
14 ~~experiment. The Judicial Council shall adopt rules for the~~
15 ~~implementation of the project, including rules governing the~~
16 ~~assignment of cases to eight person juries during the experimental~~
17 ~~period, and establish procedures for the collection and evaluation~~
18 ~~of data.~~

19 ~~(c) The Judicial Council shall report to the Legislature no later~~
20 ~~than January 1, 1990, comparing the performance of eight and 12~~
21 ~~person juries. The comparison shall include, but not be limited to,~~
22 ~~the following factors:~~

23 ~~(1) Cross-sectional representation of the community.~~



~~(2) Numbers of verdicts favoring plaintiffs or defendants, and size of awards.~~

~~(3) Accuracy, consistency, and reliability of awards.~~

~~(4) Time required for impanelment, trial, and deliberations.~~

~~(5) Public and private costs of the jury.~~

~~(d) Notwithstanding the provisions of Section 206, the project courts shall collect and provide to the Judicial Council the data required for a proper evaluation of the experiment. Any bona fide researcher or research organization shall be permitted access to any data regarding the conduct or evaluation of the pilot project.~~

SEC. 2. Section 270 of the Code of Civil Procedure is repealed.

~~270.—(a) Notwithstanding Section 269 or any other provision of law, the Judicial Council shall establish a demonstration project to assess the costs, benefits, and acceptability of utilizing audio and video recording as a means of producing a verbatim record of proceedings in up to 75 superior court departments.~~

~~The Judicial Council shall select the counties to participate in the project, but shall include in its selection the Counties of Alameda, Los Angeles, Orange, Sacramento, San Mateo, Santa Cruz, and Solano.~~

~~In each county, the project shall only commence after the board of supervisors adopts a resolution finding that there are sufficient funds for the project, and the superior court adopts local rules for implementation of the project. The demonstration project in each county shall terminate on January 1, 1994.~~

~~(b) In courtrooms operating under the demonstration project, audio or video recording may be used in lieu of the verbatim record prepared by a court reporter except in any criminal or juvenile proceedings.~~

~~(c) The Judicial Council shall adopt the following: (1) specifications for audio and video recording equipment; (2) rules for courtroom monitoring of audio and video recording; (3) standards for the training of personnel and maintenance of equipment for audio and video recording; and (4) rules for certification of transcripts produced by means of audio and video recording.~~

~~(d) An audio or video recording or transcript produced therefrom when certified as being an accurate recording, video~~

1 ~~taping, or transcript of the testimony and proceedings in a case, is~~
2 ~~prima facie evidence of that testimony and those proceedings.~~

3 ~~(e) A transcript of a proceeding in a court of the demonstration~~
4 ~~project shall be provided by the court to a party in the same manner~~
5 ~~and form and at the same cost as a transcript prepared and delivered~~
6 ~~by an official court reporter. If a portion of a video or audio~~
7 ~~recording fails or is unable to be understood, a transcript of such~~
8 ~~portion of the proceeding shall designate such condition as~~
9 ~~“inaudible” and “unintelligible,” respectively.~~

10 ~~(f) No presently employed court reporter shall have his or her~~
11 ~~hours of employment reduced as a result of the demonstration~~
12 ~~project nor shall be required to prepare a transcript of a proceeding~~
13 ~~in a court of the demonstration project.~~

14 ~~(g) The Judicial Council shall report to the Legislature on or~~
15 ~~before January 1, 1992, and thereafter as the Legislature may~~
16 ~~require, as to the costs, benefits, and acceptability of such audio or~~
17 ~~video recording as a method of keeping the verbatim court record.~~

18 ~~(h) The Joint Rules Committee shall appoint an advisory~~
19 ~~committee consisting of two certified shorthand reporters, one~~
20 ~~person skilled in courtroom audio recording, one person skilled in~~
21 ~~courtroom video recording, two judges experienced in trial work,~~
22 ~~one court administrator, and two attorneys experienced in trial~~
23 ~~work to evaluate the demonstration project, and it shall report its~~
24 ~~findings and recommendations, including minority views, if any,~~
25 ~~to the Legislature at the same times as the Judicial Council reports~~
26 ~~pursuant to subdivision (g). The advisory committee shall be~~
27 ~~afforded access to all material relating to the conduct and operation~~
28 ~~of the demonstration project, including, but not limited to, copies~~
29 ~~of audio and video tapes, logs thereof, transcripts, transcript~~
30 ~~requests, and the identity of any vendor and consultants involved~~
31 ~~in the demonstration project.~~

32 SEC. 3. Section 1012.5 of the Code of Civil Procedure is
33 repealed.

34 ~~1012.5.—(a) The Legislature finds that the use of facsimile~~
35 ~~transmission (FAX machines) has become commonplace in~~
36 ~~business and government. Currently, there are over 2.5 million~~
37 ~~FAX machines in the nation and the legal profession owns~~
38 ~~approximately 12 percent of these machines. Across the nation,~~
39 ~~courts are starting to address the use of FAX machines in the~~

1 judicial system as a means of transmitting documents to the courts
2 and to lawyers and litigants.

3 ~~Use of FAX transmission of documents may alleviate~~
4 ~~congestion in and around courthouses, promote savings in the time~~
5 ~~spent by attorneys in filing documents with the courts and with~~
6 ~~other attorneys and litigants, and ultimately, will result in a savings~~
7 ~~to the legal consumer.~~

8 Therefore, the Judicial Council shall conduct pilot projects to
9 encompass cases filed in three or more superior courts and three
10 or more municipal or justice courts from January 1, 1990, to
11 December 31, 1992, to determine how best to implement the use
12 of facsimile transmission of documents in the judicial system and
13 to assess the extent of savings due to implementation of FAX
14 transmission. Moreover, the Judicial Council shall report to the
15 Legislature on the results of these pilot projects and its specific
16 proposals for implementation.

17 (b) ~~The Judicial Council shall determine the effectiveness of~~
18 ~~these pilot projects by conducting a survey of attorneys, judicial~~
19 ~~officers, clerks of court, and process servers registered pursuant to~~
20 ~~Chapter 16 (commencing with Section 22350) of Division 8 of the~~
21 ~~Business and Professions Code, to determine whether the pilot~~
22 ~~project is effective in: (1) reducing courthouse congestion, (2)~~
23 ~~increasing courthouse filings by FAX to at least 25 percent of all~~
24 ~~filings in those courts participating in the pilot projects, (3)~~
25 ~~producing a time savings of at least 50 percent of the time normally~~
26 ~~required to file documents with the court, and (4) producing a~~
27 ~~savings in costs billed to the client.~~

28 (c) ~~The Judicial Council shall report to the Legislature on these~~
29 ~~pilot projects and make its recommendations on any changes in~~
30 ~~law needed to promote uniform, efficient, and effective service or~~
31 ~~filing of legal documents by FAX on or before December 31, 1991.~~
32 ~~The report shall include a compilation of data, proposed standards,~~
33 ~~rules, or statutes for: (1) the types of facsimile machines, including~~
34 ~~personal computers with facsimile modems, that are suitable for~~
35 ~~use by the courts in receiving legal documents for filing, (2) the~~
36 ~~quality of paper to be used to ensure the permanency of court~~
37 ~~records, (3) the readability of documents sent by facsimile~~
38 ~~transmission, (4) the service and filing of documents which require~~
39 ~~an original signature, (5) the service on other parties to the action~~
40 ~~of legal documents by FAX, (6) the filing with the court of~~

1 originals of documents first filed by FAX, (7) if necessary,
2 modification of time periods for service and filing of documents
3 by FAX, and (8) the cost to the courts for the equipment, supplies,
4 additional staff, and administrative costs associated with the filing
5 of legal documents by FAX and how these costs should be
6 recovered.

7 (d) Notwithstanding any other provision of law, the Judicial
8 Council may adopt rules of court for use in the pilot project
9 counties to facilitate the purposes of the pilot project and to
10 provide an appropriate experiment. Any rules of court adopted by
11 the Judicial Council pursuant to this subdivision shall not affect the
12 requirements for personal or substituted service of the summons
13 and complaint or any other opening paper.

14 SEC. 4. Section 1167.25 of the Code of Civil Procedure is
15 repealed.

16 1167.25. (a) Notwithstanding Section 415.46, in addition to
17 the service of a summons and complaint in an action for unlawful
18 detainer, filed pursuant to Section 1167.2, upon a tenant and
19 subtenant, if any, as prescribed in Section 415.46, a prejudgment
20 claim of right to possession, and a reply form as described in
21 Section 1167.2 may also be served on any person who appears to
22 be or who may claim to have occupied the premises at the time of
23 the filing of the action. Service upon occupants shall be made
24 pursuant to subdivision (c) of Section 415.46 by serving a copy of
25 a prejudgment claim of right to possession, as specified in
26 subdivision (b), attached to a copy of the summons and complaint,
27 and a reply form as described in Section 1167.2 at the same time
28 service is made upon the tenant and subtenant, if any.

29 (b) When an action for unlawful detainer is filed pursuant to
30 Section 1167.2, the prejudgment claim of right to possession shall
31 be made on the following form:

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3 ~~—NOTE TO PRINTING OFFICE: INSERT CAMERA-READY~~

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6 ~~for Prejudgment Claim of Right to Possession form~~

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8 ~~as printed on pages 10 to 11 of Chapter 196, 1995 Statutes.~~

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~~(c) Notwithstanding Section 1174.25, any occupant who is served with a prejudgment claim of right to possession in accordance with this section may file a claim, as prescribed in this section, and a reply form, as described in Section 1167.2, with the court within five days of the date of service of the prejudgment claim to right of possession as shown on the return of service, which period shall include Saturday and Sunday, but excluding all other judicial holidays.~~

~~(d) At the time of filing, the claimant shall be added as a defendant in the action for unlawful detainer, filed pursuant to Section 1167.2, and the clerk shall notify the plaintiff that the claimant has been added as a defendant in the action by mailing a copy of the claim filed with the court to the plaintiff with a notation so indicating. Thereafter, the name of the claimant shall be added to any pleading, filing, or form filed in the action for unlawful detainer filed pursuant to Section 1167.2. Upon filing of the claim, the claimant shall comply with all of the provisions of Section 1167.2 just as any named defendant. Further, the claimant shall also be liable for the posting of a prospective rent deposit as described in subdivision (c) of Section 1167.2 as a condition of continuing to trial.~~

SEC. 5. Section 1174.3 of the Code of Civil Procedure is amended to read:

1174.3. (a) Unless a prejudgment claim of right to possession has been served upon occupants in accordance with Section 415.46 ~~or 1167.25~~, any occupant not named in the judgment for possession who occupied the premises on the date of the filing of the action may object to enforcement of the judgment against that occupant by filing a claim of right to possession as prescribed in this section. A claim of right to possession may be filed at any time after service or posting of the writ of possession pursuant to subdivision (a) or (b) of Section 715.020, up to and including the time at which the levying officer returns to effect the eviction of those named in the judgment of possession. Filing the claim of right to possession shall constitute a general appearance for which a fee shall be collected as provided in Section 72056 of the Government Code. Section 68511.3 of the Government Code applies to the claim of right to possession. An occupant or tenant who is named in the action shall not be required to file a claim of

1 right to possession to protect that occupant's right to possession of
2 the premises.

3 (b) The court issuing the writ of possession of real property
4 shall set a date or dates when the court will hold a hearing to
5 determine the validity of objections to enforcement of the
6 judgment specified in subdivision (a). An occupant of the real
7 property for which the writ is issued may make an objection to
8 eviction to the levying officer at the office of the levying officer
9 or at the premises at the time of the eviction.

10 If a claim of right to possession is completed and presented to
11 the sheriff, marshal, or other levying officer, the officer shall
12 forthwith (1) stop the eviction of occupants at the premises, and (2)
13 provide a receipt or copy of the completed claim of right of
14 possession to the claimant indicating the date and time the
15 completed form was received, and (3) deliver the original
16 completed claim of right to possession to the court issuing the writ
17 of possession of real property.

18 (c) A claim of right to possession is effected by any of the
19 following:

20 (1) Presenting a completed claim form in person with
21 identification to the sheriff, marshal, or other levying officer as
22 prescribed in this section, and delivering to the court within two
23 court days after its presentation, an amount equal to 15 days' rent
24 together with the appropriate fee or form for proceeding in forma
25 pauperis. Upon receipt of a claim of right to possession, the sheriff,
26 marshal, or other levying officer shall indicate thereon the date and
27 time of its receipt and forthwith deliver the original to the issuing
28 court and a receipt or copy of the claim to the claimant and notify
29 the plaintiff of that fact. Immediately upon receipt of an amount
30 equal to 15 days' rent and the appropriate fee or form for
31 proceeding in forma pauperis, the court shall file the claim of right
32 to possession and serve an endorsed copy with the notice of the
33 hearing date on the plaintiff and the claimant by first-class mail.
34 The court issuing the writ of possession shall set and hold a hearing
35 on the claim not less than five nor more than 15 days after the claim
36 is filed with the court.

37 (2) Presenting a completed claim form in person with
38 identification to the sheriff, marshal, or other levying officer as
39 prescribed in this section, and delivering to the court within two
40 court days after its presentation, the appropriate fee or form for

1 proceeding in forma pauperis without delivering the amount
2 equivalent to 15 days' rent. In this case, the court shall
3 immediately set a hearing on the claim to be held on the fifth day
4 after the filing is completed. The court shall notify the claimant of
5 the hearing date at the time the claimant completes the filing by
6 delivering to the court the appropriate fee or form for proceeding
7 in forma pauperis, and shall notify the plaintiff of the hearing date
8 by first-class mail. Upon receipt of a claim of right to possession,
9 the sheriff, marshal, or other levying officer shall indicate thereon
10 the date and time of its receipt and forthwith deliver the original
11 to the issuing court and a receipt or copy of the claim to the
12 claimant and notify the plaintiff of that fact.

13 (d) At the hearing, the court shall determine whether there is a
14 valid claim of possession by the claimant who filed the claim, and
15 the court shall consider all evidence produced at the hearing,
16 including, but not limited to, the information set forth in the claim.
17 The court may determine the claim to be valid or invalid based
18 upon the evidence presented at the hearing. The court shall
19 determine the claim to be invalid if the court determines that the
20 claimant is an invitee, licensee, guest, or trespasser. If the court
21 determines the claim is invalid, the court shall order the return to
22 the claimant of the amount of the 15 days' rent paid by the
23 claimant, if that amount was paid pursuant to paragraphs (1) or (3)
24 of subdivision (c), less a pro rata amount for each day that
25 enforcement of the judgment was delayed by reason of making the
26 claim of right to possession, which pro rata amount shall be paid
27 to the landlord. If the court determines the claim is valid, the
28 amount equal to 15 days' rent paid by the claimant shall be
29 returned immediately to the claimant.

30 (e) If, upon hearing, the court determines that the claim is valid,
31 then the court shall order further proceedings as follows:

32 (1) If the unlawful detainer is based upon a curable breach, and
33 the claimant was not previously served with a proper notice, if any
34 notice is required, then the required notice may at the plaintiff's
35 discretion be served on the claimant at the hearing or thereafter. If
36 the claimant does not cure the breach within the required time, then
37 a supplemental complaint may be filed and served on the claimant
38 as defendant if the plaintiff proceeds against the claimant in the
39 same action. For the purposes of this section only, service of the
40 required notice, if any notice is required, and of the supplemental

1 complaint may be made by first-class mail addressed to the
2 claimant at the subject premises or upon his or her attorney of
3 record and, in either case, Section 1013 shall otherwise apply.
4 Further proceedings on the merits of the claimant's continued right
5 to possession after service of the Summons and Supplemental
6 Complaint as prescribed by this subdivision shall be conducted
7 pursuant to this chapter.

8 (2) In all other cases, the court shall deem the unlawful detainer
9 Summons and Complaint to be amended on their faces to include
10 the claimant as defendant, service of the Summons and Complaint,
11 as thus amended, may at the plaintiff's discretion be made at the
12 hearing or thereafter, and the claimant thus named and served as
13 a defendant in the action shall answer or otherwise respond within
14 five days thereafter.

15 (f) If a claim is made without delivery to the court of the
16 appropriate filing fee or a form for proceeding in forma pauperis,
17 as prescribed in this section, the claim shall be immediately
18 deemed denied and the court shall so order. Upon the denial of the
19 claim, the court shall immediately deliver an endorsed copy of the
20 order to the levying officer and shall serve an endorsed copy of the
21 order on the plaintiff and claimant by first-class mail.

22 (g) If the claim of right to possession is denied pursuant to
23 subdivision (f), or if the claimant fails to appear at the hearing or,
24 upon hearing, if the court determines that there are no valid claims,
25 or if the claimant does not prevail at a trial on the merits of the
26 unlawful detainer action, the court shall order the levying officer
27 to proceed with enforcement of the original writ of possession of
28 real property as deemed amended to include the claimant, which
29 shall be effected within a reasonable time not to exceed five days.
30 Upon receipt of the court's order, the levying officer shall enforce
31 the writ of possession of real property against any occupant or
32 occupants.

33 (h) The claim of right to possession shall be made on the
34 following form:

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for Claim of Right to Possession form

as printed on pages 16 to 19 of Chapter 196, 1995 Statutes.



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1 SEC. 6. Article 2 (commencing with Section 11805) of
2 Chapter 8 of Part 1 of Division 3 of Title 2 of the Government Code
3 is repealed.

4 SEC. 7. Section 14035.1 of the Government Code, as
5 amended by Section 1 of Chapter 25 of the Statutes of 1992, is
6 repealed.

7 ~~14035.1. As part of implementation of the demonstration~~
8 ~~program established pursuant to Section 14045 of the Government~~
9 ~~Code, the commission, in the allocation of funds made available~~
10 ~~pursuant to Section 99317 of the Public Utilities Code or pursuant~~
11 ~~to a voter-approved rail bond for an exclusive mass transit~~
12 ~~guideways project, shall consider those projects proposed to be~~
13 ~~located on a demonstration site where the applicant and the local~~
14 ~~entity responsible for land use decisions have entered into a~~
15 ~~binding agreement to promote high density residential~~
16 ~~development within one-half mile of a mass transit guideway~~
17 ~~station. The commission shall consider all projects within a~~
18 ~~selected demonstration site submitted to it as a part of a regional~~
19 ~~transportation program by December 1, 1993, or as an applicant~~
20 ~~for inclusion in the 1991 or subsequent Transit Capital~~
21 ~~Improvement Program. Any project selected by the commission~~
22 ~~which is located in a demonstration site shall be considered for~~
23 ~~inclusion in the 1991 or subsequent annual Transit Capital~~
24 ~~Improvement Program or in the 1992 or subsequent State~~
25 ~~Transportation Improvement Program. This section does not~~
26 ~~authorize the granting of any priority that conflicts with any bond~~
27 ~~law governed by this section, or which impairs the rights of~~
28 ~~bondholders under any of these bond laws. Nor does this section~~
29 ~~preclude the commission from applying the criteria for making~~
30 ~~awards which may be required or permitted pursuant to other~~
31 ~~provisions of law.~~

32 SEC. 8. Section 14045 of the Government Code is repealed.

33 ~~14045. (a) The department, in cooperation with the~~
34 ~~commission, shall develop and implement a demonstration~~
35 ~~program to test the effectiveness of increasing densities of~~
36 ~~residential development in close proximity to mass transit~~
37 ~~guideway stations to increase the benefit from public investment~~
38 ~~in mass transit. The department and commission shall jointly~~
39 ~~select three or more demonstration sites, at least one of which~~
40 ~~includes an existing transit station and at least two of which include~~

~~proposed transit stations. Each demonstration site shall be located in a city or county that has adopted land use policies and programs encouraging the development of high-density residential development near mass transit guideway stations. These policies and programs may be included in the locality's general plan, zoning ordinance, including a density bonus ordinance adopted pursuant to Section 65915, development agreement adopted pursuant to Article 2.5 (commencing with Section 65864) of Chapter 3 of Division 1 of Title 7, redevelopment plan or amendment to the plan adopted pursuant to Article 4 (commencing with Section 33330) of Chapter 4 of Part 1 of Division 24 of the Health and Safety Code, and congestion management plan adopted pursuant to Chapter 2.6 (commencing with Section 65099) of Division 1 of Title 7.~~

~~(b) The department shall prepare a preliminary report regarding the disposition of projects proposed for inclusion in either the 1991 or subsequent annual Transit Capital Improvement Program or the 1992 or subsequent State Transportation Improvement Program, and a final report regarding the impact of the demonstration program on the level of use of mass transit by residents living within one-half mile of the mass transit guideway station. The department shall submit each report to the commission for review and comment. The commission shall submit the preliminary report, with its comments, to the Legislature no later than January 1, 1994, and the final report, with its comments, to the Legislature no later than January 1, 1996.~~

~~SEC. 9. Section 14680.8 of the Government Code is repealed.~~

~~14680.8. (a) The Department of General Services shall conduct a state property management demonstration project within a defined geographic region to be determined by the department. The federal and local governments may add funds to the total amount the state makes available for consulting fees in exchange for the consultant's analysis of the market value of locally or federally owned public buildings and the consultant's evaluation of opportunities to adopt proactive assets management procedures and strategies with respect to those properties.~~

~~(b) In conducting this demonstration project, the department shall, utilizing a request for proposal process, contract with real estate investment and development consultants, alternative public~~

1 ~~sector financing consultants, and public management and policy~~
2 ~~consultants, in order to provide all of the following services:~~

3 ~~(1) Develop an information base on state-occupied property to~~
4 ~~include location, size, and present use in leased space, and~~
5 ~~location, size, present use, and estimated market value of~~
6 ~~state-owned space.~~

7 ~~(2) Identify segments of state-owned properties, such as, by~~
8 ~~market value, size, geographic region, proximity to commercial~~
9 ~~development, or historical significance, and recommend an order~~
10 ~~of priorities in which proactive assets managers should consider~~
11 ~~disposition or ownership restructuring alternatives.~~

12 ~~(3) Describe and analyze in terms of cost and benefits to the~~
13 ~~state alternatives for selling, exchanging, or restructuring~~
14 ~~ownership of land or buildings currently owned by the state. These~~
15 ~~alternatives shall include, but not be limited to, appropriate forms~~
16 ~~of leveraged leasing.~~

17 ~~(4) Enumerate possible options for earning revenue on the~~
18 ~~state's real estate holdings, including estimates of overall revenue~~
19 ~~currently foregone due to the lack of proactive assets management,~~
20 ~~and expected interest earnings on investment of the revenue from~~
21 ~~sale of state-owned properties the present use of which is not~~
22 ~~economical from a proactive assets management point of view.~~

23 ~~(5) Develop a proactive assets management methodology, with~~
24 ~~recommendations structuring cost controls and performance~~
25 ~~incentives within state government to meet strategic goals,~~
26 ~~including, but not limited to, all of the following:~~

27 ~~(A) To reduce occupancy costs.~~

28 ~~(B) To maximize efficiency of space utilization.~~

29 ~~(C) To maintain or increase the value of state-owned property.~~

30 ~~(D) To maximize revenue from state-controlled property.~~

31 ~~(E) To manage property to support and implement state~~
32 ~~programs and policies, with an emphasis on the utilization of~~
33 ~~existing state-owned facilities.~~

34 ~~(6) Assess the strength of bureaucratic resistance to proactive~~
35 ~~assets management in state government and suggest means of~~
36 ~~managing this resistance, including identification of appropriate~~
37 ~~areas for compromise.~~

38 ~~(7) Analyze existing state and federal laws pertaining to~~
39 ~~proactive assets management options in state government, identify~~
40 ~~existing legal barriers to proposed alternative models for proactive~~

1 ~~assets management, and recommend changes in legislation~~
2 ~~necessary to facilitate the alternatives that would minimize state~~
3 ~~costs and maximize state revenue.~~

4 ~~(8) Analyze the public policy implications of the~~
5 ~~recommendations for implementation of a proactive assets~~
6 ~~management approach to state-owned and state-controlled real~~
7 ~~estate, including, but not limited to, all of the following:~~

8 ~~(A) Long-term versus short-term advantages and~~
9 ~~disadvantages of custodial property management and proactive~~
10 ~~assets management.~~

11 ~~(B) Normalization parameters for public-private partnerships~~
12 ~~created for the purpose of conducting property management~~
13 ~~activities on behalf of the state, including an analysis of civil~~
14 ~~service barriers to contracting for specialized services.~~

15 ~~(C) The comparative effectiveness of personal versus~~
16 ~~institutional incentives for performance of public obligations.~~

17 ~~(e) The department shall appoint an advisory committee to~~
18 ~~assist the department and the consultants utilized under the~~
19 ~~demonstration project. The advisory committee shall participate in~~
20 ~~all aspects of the pilot project, including the assistance in the~~
21 ~~development of the request for proposals, as required under~~
22 ~~subdivision (a), and reviewing and commenting upon the final~~
23 ~~recommendations of the consultants prior to submission to the~~
24 ~~Governor and the Legislature. The department shall invite the~~
25 ~~federal government and affected local governments to participate~~
26 ~~in the advisory committee. The advisory committee shall include,~~
27 ~~but is not limited to, representatives, who shall be either directors~~
28 ~~or business service officers, of the state agencies that own or~~
29 ~~occupy property in the designated pilot project area.~~

30 ~~(d) The department shall submit to the Legislature and the~~
31 ~~Governor the final recommendations of the consultants utilized~~
32 ~~under this section, along with any comments made on those~~
33 ~~recommendations by the advisory committee created under~~
34 ~~subdivision (e).~~

35 SEC. 10. Chapter 1 (commencing with Section 15290) of Part
36 6.6 of Division 3 of Title 2 of the Government Code is repealed.

37 SEC. 11. Section 65083 of the Government Code is repealed.

38 65083. ~~As part of implementation of the demonstration~~
39 ~~program established pursuant to Section 14045 of the Government~~
40 ~~Code, the regional transportation planning agency preparing the~~

1 ~~five-year regional transportation improvement program pursuant~~
2 ~~to Section 65082 shall consider those exclusive mass transit~~
3 ~~guideway projects where the applicant and the local entity~~
4 ~~responsible for land use decisions have entered into a binding~~
5 ~~agreement to promote high density residential development within~~
6 ~~one-half mile of a mass transit guideway station. Any project~~
7 ~~selected by the agency that is located in a demonstration site shall~~
8 ~~be considered for inclusion in the regional transportation~~
9 ~~improvement program. This section shall not preclude the agency~~
10 ~~from applying the criteria for making awards that may be required~~
11 ~~or permitted pursuant to other provisions of law.~~

12 SEC. 12. Section 65460.2 of the Government Code is
13 amended to read:

14 65460.2. A city or county may prepare a transit village plan
15 for a transit village development district that addresses the
16 following characteristics:

17 (a) A neighborhood centered around a transit station that is
18 planned and designed so that residents, workers, shoppers, and
19 others find it convenient and attractive to patronize transit.

20 (b) A mix of housing types, including apartments, within not
21 more than a quarter mile of the exterior boundary of the parcel on
22 which the transit station is located.

23 (c) Other land uses, including a retail district oriented to the
24 transit station and civic uses, including day care centers and
25 libraries.

26 (d) Pedestrian and bicycle access to the transit station, with
27 attractively designed and landscaped pathways.

28 (e) A rail transit system that should encourage and facilitate
29 intermodal service, and access by modes other than single
30 occupant vehicles.

31 (f) Demonstrable public benefits beyond the increase in transit
32 usage, including all of the following:

33 (1) Relief of traffic congestion.

34 (2) Improved air quality.

35 (3) Increased transit revenue yields.

36 (4) Increased stock of affordable housing.

37 (5) Redevelopment of depressed and marginal inner-city
38 neighborhoods.

39 (6) Live-travel options for transit-needy groups.

(7) Promotion of infill development and preservation of natural resources.

(8) Promotion of a safe, attractive, pedestrian-friendly environment around transit stations.

(9) Reduction of the need for additional travel by providing for the sale of goods and services at transit stations.

(10) Promotion of job opportunities.

(11) Improved cost-effectiveness through the use of the existing infrastructure.

(12) Increased sales and property tax revenue.

(13) Reduction in energy consumption.

(g) Sites where a density bonus of at least 25 percent may be granted pursuant to specified performance standards.

(h) Other provisions that may be necessary, based on the report prepared pursuant to subdivision (b) of *former* Section 14045, *as enacted by Section 3 of Chapter 1304 of the Statutes of 1990*.

SEC. 13. Section 65913.5 of the Government Code is repealed.

~~65913.5.—(a) As part of implementation of the demonstration program established pursuant to Section 14045 of the Government Code, a city, county, or city and county participating in the demonstration program shall grant a density bonus to a developer of housing within one-half mile of a mass transit guideway station unless the locality finds that granting of the density bonus would result in a specific, adverse impact upon the public health or safety, and there is no feasible method to satisfactorily mitigate or avoid the specific adverse impact.~~

~~(b) Notwithstanding subdivision (f) of Section 65915, as used in this section, “density bonus” means a density increase of at least 25 percent over the otherwise maximum residential density allowed under the general plan and any applicable zoning and development ordinances.~~

~~(c) A city, county, or city and county may require a developer to enter into a development agreement pursuant to Article 2.5 (commencing with Section 65864) of Chapter 3 of Division 1 of Title 7 to implement a density bonus granted pursuant to this section.~~

~~(d) In an action or proceeding to attack, set aside, void, or annul a density bonus granted pursuant to this section, a court shall uphold the decision of a city, county, or city and county to grant~~

~~the density bonus if the court finds that there is substantial evidence in the record that the housing development will assist the city, county, or city and county to do all of the following:~~

~~(1) Meet its share of the regional housing needs determined pursuant to Article 10.6 (commencing with Section 65580) of Chapter 4 of Division 1 of Title 7.~~

~~(2) Implement its congestion management plan adopted pursuant to Chapter 2.6 (commencing with Section 65088) of Division 1 of Title 7.~~

~~(c) Nothing in this section shall be construed to relieve any local agency from complying with the provisions of the Congestion Management Program required by Chapter 2.6 (commencing with Section 65088) of Division 1 of Title 7.~~

SEC. 14. Section 65917 of the Government Code is amended to read:

65917. In enacting this chapter it is the intent of the Legislature that the density bonus or other incentives offered by the city, county, or city and county pursuant to this chapter shall contribute significantly to the economic feasibility of lower income housing in proposed housing developments. In the absence of an agreement by a developer in accordance with Section ~~65913.5~~ or 65915, a locality shall not offer a density bonus or any other incentive that would undermine the intent of this chapter.

SEC. 15. Section 68086 of the Government Code is amended to read:

68086. (a) ~~In all superior court departments not selected to participate in the demonstration project established under Section 270 of the Code of Civil Procedure~~ *The following provisions apply in superior court:*

(1) In addition to any other trial court fee required in civil cases, a fee equal to the actual cost of providing that service shall be charged per one-half day of services to the parties, on a pro rata basis, for the services of an official reporter on the first and each succeeding judicial day those services are required.

(2) All parties shall deposit their pro rata shares of these fees with the clerk of the court at the beginning of the second and each succeeding day's court session.

(3) For purposes of this section, "one-half day" means any period of judicial time during either the morning or afternoon court session.

1 (4) The costs for the services of the official reporter shall be
2 recoverable as taxable costs at the conclusion of trial.

3 (5) The Judicial Council shall adopt rules to ensure all of the
4 following:

5 (A) That parties are given adequate and timely notice of the
6 availability of an official reporter.

7 (B) That if an official reporter is not available, a party may
8 arrange for the presence of a certified shorthand reporter to serve
9 as an official pro tempore reporter, the costs therefore recoverable
10 as provided in paragraph (4).

11 (C) That if the services of an official pro tempore reporter are
12 utilized pursuant to this section, no other charge will be made to
13 the parties.

14 ~~(b) In all superior court departments selected to participate in~~
15 ~~the demonstration project established under Section 270 of the~~
16 ~~Code of Civil Procedure, and in all municipal courts~~ *The following*
17 *provisions apply in municipal court:*

18 (1) In addition to any other trial court fee required in civil cases,
19 a fee equal to the actual cost of providing that service shall be
20 charged per one-half day of services to the parties, on a pro rata
21 basis, for official reporting services on the first and each
22 succeeding judicial day those services are required.

23 (2) All parties shall deposit their pro rata shares of these fees
24 with the clerk of the court at the beginning of the second and each
25 succeeding day's court session.

26 (3) For purposes of this section, "one-half day" means any
27 period of judicial time during either the morning or afternoon court
28 session.

29 (4) The costs for the official reporting services shall be
30 recoverable as taxable costs at the conclusion of trial.

31 (5) The Judicial Council shall adopt rules to ensure all of the
32 following:

33 (A) That litigants receive adequate information about any
34 change in the availability of official reporting services.

35 (B) That if official reporting services are not available, a party
36 may arrange for the presence of a certified shorthand reporter to
37 serve as an official pro tempore reporter, the costs therefore
38 recoverable as provided in paragraph (4).

1 (C) That if the services of a pro tempore reporter are utilized
2 because official reporting services are unavailable, no other charge
3 will be made to the parties for recording the proceeding.

4 SEC. 16. Section 69845.6 of the Government Code is
5 repealed.

6 ~~69845.6. As a three-year pilot project, the Placer County~~
7 ~~Board of Supervisors may direct the clerk of the Superior Court in~~
8 ~~Placer County to suspend the maintenance of a register of actions~~
9 ~~from January 1, 1981, to January 1, 1984. After January 1, 1984,~~
10 ~~the clerk of the Superior Court in Placer County shall keep a~~
11 ~~register of actions pursuant to Section 69845 or 69845.5, unless a~~
12 ~~statute enacted prior to January 1, 1984, extends such pilot project.~~

13 SEC. 17. Article 11 (commencing with Section 1339.51) of
14 Chapter 2 of Division 2 of the Health and Safety Code is repealed.

15 SEC. 18. Article 11.6 (commencing with Section 25242.5) of
16 Chapter 6.5 of Division 20 of the Health and Safety Code is
17 repealed.

18 SEC. 19. Section 32354 of the Health and Safety Code is
19 repealed.

20 ~~32354. The program established by the Chowchilla Memorial~~
21 ~~Hospital District and others who enter such a joint powers~~
22 ~~agreement shall be deemed to be a pilot project to be used as a~~
23 ~~guide for the State Department of Health Services in establishing~~
24 ~~the Rural California Professional Liability Loan Program in the~~
25 ~~event Assembly Bill 2865 of the 1975-76 Regular Session is~~
26 ~~enacted, and in such case funds for loans under this chapter shall~~
27 ~~be made available from the Rural California Professional Liability~~
28 ~~Loan Fund upon creation by the State Controller.~~

29 SEC. 20. Section 43840 of the Health and Safety Code is
30 amended to read:

31 43840. (a) The Legislature finds and declares that emission
32 of air pollutants from motor vehicles is a major contributor to air
33 pollution within the State of California and, therefore, declares its
34 policy to encourage the testing of various types of vehicle fuels,
35 which would contribute substantially to the protection and
36 preservation of the public health and well-being.

37 (b) The Legislature further finds and declares that programs to
38 expand the use of alcohols as substitutes for gasoline and other
39 petroleum-based fuels can offer significant environmental

benefits while reducing the nation's dependence on imported crude oil.

(c) The Legislature further finds and declares that pure alcohol fuels burn cleanly and that motor vehicles fueled with alcohol can be modified at reasonable cost to burn alcohol fuels without decreasing efficiency and without creating air quality problems.

~~(d) It is, therefore, the intent and purpose of the Legislature, to authorize the establishment of a demonstration program in the County of Ventura for the testing of pure alcohol fuels in the county and municipal motor vehicle fleets.~~

SEC. 21. Section 43841 of the Health and Safety Code is repealed.

~~43841. The Secretary of the Business and Transportation Agency shall reimburse the County of Ventura from funds appropriated for alternative motor vehicle fuels for the cost of conversion of fleet vehicles provided that the state board finds both of the following:~~

~~(a) All changes to the vehicles are absolutely necessary for the vehicles to operate on pure alcohol.~~

~~(b) The fuel systems of the motor vehicles have been certified pursuant to Section 43006.~~

SEC. 22. Section 43841.5 of the Health and Safety Code is repealed.

~~43841.5. The Secretary of the Business and Transportation Agency shall make the reimbursement pursuant to Section 43841 only in the event the County of Los Angeles and the California Energy Commission fail to reach an agreement, on or before December 31, 1980, to conduct a demonstration program similar to that provided in this article, as determined by the secretary, for the testing of alcohol fuels. If the County of Los Angeles and the State Energy Resources Conservation and Development Commission do reach such an agreement by December 31, 1980, no reimbursement shall be made pursuant to this article.~~

SEC. 23. Section 50502.5 of the Health and Safety Code is repealed.

~~50502.5. (a) In conjunction with the implementation of the demonstration program established pursuant to Section 14045 of the Government Code, and subject to the availability of funds authorized pursuant to Chapter 3.5 (commencing with Section 50531) and Section 50771.1, the department shall consider~~

1 applications for funding of high density residential development
2 located at demonstration sites within one-half mile of an existing
3 or proposed mass transit guideway station. If the mass transit
4 guideway station is proposed, the application shall include a
5 binding agreement between the local legislative body and the
6 transit operator regarding its timely development, including the
7 source of committed funds.

8 (b) This section does not authorize the granting of any priority
9 that conflicts with any bond law governed by this section, or which
10 impairs the rights of bondholders under any of those bond laws.
11 Nor does this section preclude the department from applying the
12 criteria for making awards which may be required or permitted
13 pursuant to other provisions of law.

14 SEC. 24. Section 4612 of the Labor Code is repealed.

15 4612. —(a) A pilot project is hereby authorized, for a duration
16 of up to 36 months, under regulations to be developed and
17 implemented by the administrative director. The purpose of the
18 pilot project is to authorize an employer participating in the pilot
19 project to contract with a licensed health care service plan to be the
20 exclusive provider of medical, surgical, and hospital treatment for
21 occupational and nonoccupational injuries and illnesses incurred
22 by its employees. The health care service plan shall provide all
23 occupational-related medical treatment coverage required by this
24 division without any payment by the employee of deductibles,
25 copayments, or any share of the premium. Employers
26 participating in the pilot project shall make available health plan
27 coverage for their employees' dependents for the treatment of
28 nonindustrial injuries and illnesses. Nothing herein shall require
29 an employer to pay for that dependent coverage. An employer
30 participating in the pilot project shall offer its employees a choice
31 between the exclusive provider of care option and a traditional
32 health benefits plan which allows employees to obtain workers'
33 compensation treatment from a traditional workers' compensation
34 provider. In the case of a pilot project established by a
35 multiemployer, collectively bargained employee welfare benefit
36 plan, or by a recognized exclusive bargaining agent for state
37 employees that sponsors an employee welfare benefit plan for the
38 benefit of employees, this choice may be exercised by an exclusive
39 or certified bargaining agent that represents employees of the
40 employer.

~~(b) That pilot project may be implemented in four counties as designated by the administrative director and may include more than one health care service plan. One county shall be in northern California, one in central California, and two in southern California. Multiemployer, collectively bargained employee welfare benefit plans that operate in one or more of the designated counties, or recognized bargaining agents for state employees that sponsor a welfare benefit plan, may implement a pilot project in all counties in which participants are employed and covered for nonoccupational injuries and illnesses.~~

~~(c) Notwithstanding the terms of Section 4600, 4601, or any other provision of this article, an employee employed by an employer participating in the pilot project who has elected to enroll in the pilot project shall not have the option of predesignating a personal physician, other than a physician provided by the licensed health care service plan designated by the participating employer, as his or her treating physician, nor shall an employee have the option of changing to a physician not provided by the health care service plan pursuant to Section 4601. However, this section shall not be construed to limit the requirement under Section 4600 that an employer provide treatment reasonably required to cure or relieve the effects of an injury, nor shall this section be construed to prohibit an employee from changing to another provider of health care services during any annual open enrollment period.~~

~~(d) The administrative director shall, at the completion of the second year of the pilot project, or sooner if feasible, prepare a preliminary report, and within one year after completion of the pilot project, prepare a final report to the Legislature and the Governor describing the pilot project. The report shall include a review of the following:~~

- ~~(1) Employer costs.~~
- ~~(2) Vocational rehabilitation implications of 24-hour care pilot projects.~~
- ~~(3) Numbers and percentages of employees in pilot worksites that enroll in the plan.~~
- ~~(4) Incentives used by employers to encourage enrollment in the plan.~~
- ~~(5) Extent to which dependents of pilot project employees enroll in health plans.~~

1 ~~(6) Determination of employee satisfaction with the pilot~~
2 ~~program.~~

3 ~~(7) Extent to which employees enrolling in the pilot plan~~
4 ~~continue to stay within it during the length of the pilot program.~~

5 ~~(8) Differentials in costs of treatment between different types~~
6 ~~of pilot programs for occupational and nonoccupational injuries~~
7 ~~and illnesses.~~

8 ~~(9) Differentials in costs of treatment and of indemnity benefits~~
9 ~~among workplaces comparable in size, type of industry, and~~
10 ~~location, between pilot programs and non-24-hour care for~~
11 ~~occupational and nonoccupational injuries and illnesses.~~

12 ~~(10) Differentials in costs of claims administration between~~
13 ~~pilot programs.~~

14 ~~(11) Percentage of occupational injury claims litigated and the~~
15 ~~type of dispute giving rise to litigation.~~

16 ~~(12) How continuing obligations for medical treatment under~~
17 ~~workers' compensation will be secured after completion of the~~
18 ~~pilot project.~~

19 ~~(13) Whether the pilot project was or could be utilized by small~~
20 ~~employers.~~

21 The pilot project shall be deemed a success if the administrative
22 director can verify that the information contained in the report
23 required by paragraphs (1) to (13), inclusive, compares favorably
24 with that of employers and employees not included in the pilot
25 project. In order to prepare the report, the administrative director
26 shall prescribe information to be collected by each approved pilot
27 program for submission to the division in a timely manner.

28 ~~(e) The administrative director shall prepare an itemization of~~
29 ~~the costs to the division associated with preparation of the report~~
30 ~~described in subdivision (d). The cost of the report shall be borne~~
31 ~~by the employers participating in the pilot project, and, if~~
32 ~~available, by other external sources outside of the General Fund.~~
33 ~~Contribution by the employers shall be apportioned on a per capita~~
34 ~~basis based upon the number of employees enrolled under the pilot~~
35 ~~project.~~

36 ~~(f) For purposes of this section, "health care service plan"~~
37 ~~includes health care service plans and disability insurers that offer~~
38 ~~a managed care product within a pilot project county, workers'~~
39 ~~compensation insurers as defined in Section 3211 of the Labor~~
40 ~~Code that offer a managed care product within a pilot project~~

~~county, multiemployer collectively bargained employee welfare benefit plans that offer a managed care product within a pilot project county, and welfare benefit plans sponsored by recognized exclusive bargaining agents for state employees. Pilot projects covering state employees shall be approved by the state employer and approved pursuant to Part 5 (commencing with Section 22751) of Title 2 of the Government Code.~~

~~(g) The employer's contract with the health care service plan shall include a surcharge or other provision to cover the cost of the medical care of an injured employee which is required by this division after the employee leaves the contracting employer's employment.~~

~~(h) Enrollment or subscription in the pilot project may not be canceled or not renewed except in the following:~~

~~(1) Failure to pay the charge for that coverage if the subscriber has been duly notified and billed for the charge and at least 15 days has elapsed since the date of notification.~~

~~(2) Fraud or deception in the use of the services or facilities of the plan or knowingly permitting that fraud or deception by another.~~

~~(3) Any other good cause as is agreed upon in the contract between the plan and a group or the subscriber.~~

~~(i) Notwithstanding any other provision of this section, no employer that is required to bargain with an exclusive or certified bargaining agent which represents employees of the employer in accordance with state or federal employer-employee relations law for represented employees, shall contract with a managed care organization for purposes of this section unless authorized to do so by mutual agreement between the bargaining agent and the employer.~~

~~SEC. 25. Chapter 2.67 (commencing with Section 1000.30) of Title 6 of Part 2 of the Penal Code is repealed.~~

~~SEC. 26. Section 1348.5 of the Penal Code is repealed.~~

~~1348.5. (a) On or before July 1, 1987, upon adoption of a resolution of the board of supervisors, a county may establish a three-year pilot project, whereby the court, in any criminal action in which an act of child abuse or molestation is alleged against a member of the child's immediate family, may appoint a children's representative to represent the interests of the minor who was a victim of, or a witness to, the alleged act of abuse or molestation;~~

1 provided that the victim or witness is under the age of 14. Counties
2 participating in the program shall report to the Legislature before
3 December 31, 1988, on the interim results of the program, and
4 shall submit a final report to the Legislature on or before
5 September 30, 1990, on the results of this program.

6 (b) The program shall be considered to be successful if the
7 participation of child witnesses in criminal matters has increased
8 10 percent after the first year and increased 20 percent after the
9 third year of the program. The amount of the increase shall be
10 determined by comparing the 1986 participation rate with the
11 participation rate data for 1987 and 1989, respectively.

12 (c) The court shall consider all of the following guidelines in
13 appointing the children's representative.

14 (1) The person's willingness and ability to undertake working
15 with and accompanying the child witness through all proceedings;
16 including criminal proceedings, dependency proceedings, and
17 civil proceedings.

18 (2) The person's willingness and availability to communicate
19 with the child witness.

20 (3) The person's willingness and availability to express the
21 child's concerns to those authorized to come in contact with the
22 child as a result of the proceedings.

23 (d) After considering the guidelines stated in subdivision (b),
24 the court, in its discretion, may appoint a trained volunteer as a
25 children's representative, including a person who has received
26 training from a program formed and operated under the guidelines
27 established by the National Court Appointed Special Advocate
28 Association.

29 (e) In cases involving more than one child victim under the age
30 of 14, the court may, if it finds it appropriate, appoint a children's
31 representative for each of the victims.

32 (f) In consideration of the special ethical responsibilities of
33 attorneys and the attendant problems that might be raised by an
34 attorney serving as a children's representative, the court shall not
35 appoint attorneys as children's representatives under this section.

36 (g) In order to be appointed as a children's representative, the
37 volunteer shall meet all of the following requirements:

38 (1) Possess adequate training in the court process, the dynamics
39 of child abuse and neglect, child abuse laws, the social service
40 system, and how to avoid becoming a witness in a case. Volunteers

1 ~~shall receive this training from persons who are involved in the~~
2 ~~judicial process (prosecutors, defense attorneys, county counsel,~~
3 ~~social services, child protective services, judges, and advisory~~
4 ~~board). Each county shall establish such a training program.~~

5 ~~(2) Be screened for a criminal record pursuant to Section~~
6 ~~11105.3, including, but not limited to, a fingerprint check. A~~
7 ~~criminal conviction, other than a conviction of a sexually-related~~
8 ~~crime or a conviction of child abuse, shall not bar a person from~~
9 ~~acting as a children's representative.~~

10 ~~(3) Meet other requirements as deemed necessary by the court.~~

11 ~~(4) Not have any interest in the case, nor any connection to~~
12 ~~either the prosecution or defense.~~

13 ~~(h) The requirements of this section are the minimum~~
14 ~~requirements for the appointment of a volunteer as a children's~~
15 ~~representative. Each county participating in the program shall~~
16 ~~appoint a volunteer special children's representative advisory~~
17 ~~board, which shall develop additional criteria requiring additional~~
18 ~~initial training, continuing in-service training, a system to screen~~
19 ~~volunteer applicants on an individual basis, and guidelines for~~
20 ~~supervising and monitoring the volunteers.~~

21 ~~The board shall be appointed by the board of supervisors and~~
22 ~~shall be composed as specified by the board as nominated by the~~
23 ~~local child abuse council.~~

24 ~~(i) The court shall admonish the children's representative that~~
25 ~~he or she shall not discuss the facts and circumstances of the case~~
26 ~~with the child witness.~~

27 ~~(j) The court shall appoint an administrator whose duties shall~~
28 ~~be to enforce the guidelines established by this section and the~~
29 ~~guidelines set up by the volunteer advisory board. The~~
30 ~~administrator's duties shall also include monitoring the training~~
31 ~~program and supervising the volunteers.~~

32 ~~(k) The children's representative shall do all of the following:~~

33 ~~(1) Accompany the child witness through all proceedings,~~
34 ~~including criminal proceedings, dependency proceedings, and~~
35 ~~civil proceedings.~~

36 ~~(2) Explain to the child witness in terms he or she will~~
37 ~~understand, based upon his or her age and maturity, the nature and~~
38 ~~progress of the proceedings and what the child will be called upon~~
39 ~~to do, including, but not limited to, telling the child that he or she~~

1 is expected to tell the truth. These explanations shall be made prior
2 to the child's courtroom appearance.

3 ~~(3) Be available to observe the minor in all aspects of the case,~~
4 ~~in order to consult with the court as to any special needs of the~~
5 ~~minor. These consultations shall take place prior to the testimony~~
6 ~~of the child. For purposes of this paragraph, the court, during a~~
7 ~~recess, may recognize the children's representative when the~~
8 ~~representative indicates a need to address the court. The~~
9 ~~representative shall indicate such a need through the court clerk or~~
10 ~~bailiff. If a jury is present in the courtroom when the court decides~~
11 ~~to meet with the representative, the judge shall excuse the jury or~~
12 ~~convene an in-chambers session with the representative, the~~
13 ~~defense attorney, and the prosecuting attorney. The session shall~~
14 ~~be on the record.~~

15 ~~(l) It is the intent of the Legislature that the court shall consider~~
16 ~~the goal of continuity between the children's representative and a~~
17 ~~child victim or witness in the various court proceedings. The~~
18 ~~Legislature thereby declares that it is desirable for a children's~~
19 ~~representative appointed to represent the interests of the minor in~~
20 ~~a dependency proceedings to continue to represent the minor's~~
21 ~~interest in any ensuing criminal and civil proceedings.~~

22 ~~(m) The children's representative shall not be required to~~
23 ~~testify with respect to the contents of a dependency proceeding in~~
24 ~~any other proceeding.~~

25 ~~(n) The judge may appoint a children's representative at the~~
26 ~~initial proceeding or any proceeding thereafter. The minor or a~~
27 ~~person representing the minor may request the appointment of a~~
28 ~~representative.~~

29 ~~(o) The children's representative is not immune from~~
30 ~~prosecution for dissuading a witness or from interfering with any~~
31 ~~judicial proceeding.~~

32 ~~(p) The children's representative shall not discuss the facts and~~
33 ~~circumstances of the case with the child witness.~~

34 ~~(q) Nothing in this act shall be construed to confer or create a~~
35 ~~privilege between the child and the children's representative.~~

36 ~~(r) The inability of the children's representative to attend any~~
37 ~~proceeding is not cause for a continuance.~~

38 ~~(s) The children's representative shall not be involved in any~~
39 ~~investigatory interviewing with the child.~~

40 SEC. 27. Section 2053.3 of the Penal Code is repealed.

~~2053.3.—(a) The Director of Corrections shall implement a two-year correctional education program that increases inmate assignments through adoption of a pilot project cell study program. The program shall be implemented at three institutions, one for female inmates and two for male inmates, with the sites to be chosen by the Department of Corrections and the employee bargaining unit. Inmates shall be assigned to a classroom for three hours per day or 15 hours per week, not to exceed 20 inmates per classroom. Classroom assigned inmates shall then be assigned to their cells for a study period of three hours per day or 15 hours per week. Inmates shall be housed contiguously to ensure appropriate educational supervision and educational assistance by an instructor and inmate teaching assistants. Cell study instruction shall be limited to 80 inmates housed contiguously where feasible to accomplish the objectives of the cell study program. The department shall adjust cell assignments to accomplish the program's intent. In implementing this program, the department shall adhere to the State Building Standards Law (Part 2.5 (commencing with Section 18901) of Division 13 of the Health and Safety Code).~~

~~(b) An inmate participating in a cell study program pursuant to this section shall demonstrate appropriate educational progress, as certified by the instructor, as a condition of any reduction in the time served pursuant to Section 2933. Appropriate educational progress shall be demonstrated based upon preprogram and postprogram testing that reflects improved literacy of the inmate.~~

~~(c) (1) The pilot project cell study program shall commence on January 1, 1994, and end on December 31, 1995.~~

~~(2) Representatives from the Department of Corrections and the employee bargaining unit shall evaluate the cell study program and submit a report to the Legislature by July 30, 1996. If there is not a consensus, then a minority opinion shall also be included with the final report.~~

~~(d) The Department of Corrections may initiate a system of negative timekeeping with regard to the participation of inmates in inmate work, training, and education assignments.~~

~~SEC. 28. Section 5020 of the Penal Code is repealed.~~

~~5020.—(a) The Department of Corrections and the California Youth Authority shall conduct a two-year pilot project in juvenile halls, the Youth Authority, and the state prison system if and when~~

1 ~~the necessary computer hardware, software, and technical~~
2 ~~assistance is donated to the departments to implement innovative~~
3 ~~individualized education programs in these institutions.~~

4 ~~(b) The Department of the Youth Authority and the Department~~
5 ~~of Corrections shall, within budgetary limitations, provide staff to~~
6 ~~be trained and participate in educating and testing the inmates. At~~
7 ~~the end of the project period, the departments shall evaluate the~~
8 ~~effectiveness of the training techniques employed and report to the~~
9 ~~Legislature on their findings.~~

10 SEC. 29. Section 6247 of the Penal Code is repealed.

11 ~~6247. (a) Notwithstanding any other provision of this~~
12 ~~chapter, the County of Orange may establish, in consultation with~~
13 ~~the Board of Corrections, a regional public inebriate reception~~
14 ~~center in the County of Orange as a one-year pilot project to~~
15 ~~provide short-term shelter with a minimum capacity of 20 sleeping~~
16 ~~spaces, surveillance, assessment, and referral services for men and~~
17 ~~women.~~

18 ~~(b) The County of Orange may operate and administer the pilot~~
19 ~~program specified in subdivision (a) and report to the board within~~
20 ~~nine months after commencement of operation of the regional~~
21 ~~public inebriate reception center as to whether its operation has~~
22 ~~resulted in cost savings by diversion of persons from the criminal~~
23 ~~justice system, and in other public benefits.~~

24 SEC. 30. Section 13823.20 of the Penal Code is repealed.

25 ~~13823.20. (a) The Office of Criminal Justice Planning shall~~
26 ~~establish a demonstration project in the City of Los Angeles for the~~
27 ~~purpose of creating police foot patrols in high intensity~~
28 ~~drug-related crime areas. Funds for these demonstration projects~~
29 ~~shall be allocated to the City of Los Angeles no later than 30 days~~
30 ~~following enactment of this section.~~

31 ~~(b) The office also shall issue a request for proposal to select at~~
32 ~~least three additional cities for police foot patrol demonstration~~
33 ~~projects. Funds for this request for proposal shall be awarded no~~
34 ~~later than 90 days following enactment of this section.~~

35 ~~(c) The police department in each city shall identify targeted~~
36 ~~areas for foot patrols based on high incidence of crime related to~~
37 ~~drug trafficking and other drug crimes. At a minimum, the Los~~
38 ~~Angeles Police Department shall target areas in south Los~~
39 ~~Angeles, central Los Angeles, east Los Angeles, and the San~~
40 ~~Fernando Valley.~~

~~(d) The Office of Criminal Justice Planning shall conduct an evaluation of the foot patrol programs created by this section and shall submit a report to the Legislature no later than August 31, 1991.~~

~~(e) The evaluation shall examine the effectiveness of the program relative to the following objectives:~~

~~(1) Each city shall demonstrate empirically that areas targeted for foot patrols have a high incidence of drug-related crimes.~~

~~(2) Officers are deployed to the targeted areas at least 20 percent of the time of each week.~~

~~(3) Against a baseline period established by the city police department, the following reductions occur in the aggregate for the targeted areas during the pilot period:~~

~~(A) An 8 percent reduction in radio calls.~~

~~(B) A 6 percent reduction in repressible crime.~~

~~(C) A 12 percent reduction in violent crime.~~

~~(4) Each city shall demonstrate whether changes in the incidence of drug-related crimes in areas adjacent to the targeted areas are appreciable and the extent to which those changes may be caused by increased foot patrol activity in the targeted areas.~~

SEC. 31. Chapter 10.3 (commencing with Section 13894.5) of Title 6 of Part 4 of the Penal Code is repealed.

SEC. 32. Section 14113 of the Penal Code is repealed.

~~14113. (a) The Office of Criminal Justice Planning shall contract for four two-year community violence prevention and conflict resolution pilot programs throughout this state. They shall be commenced after July 1, 1985. Each of the four pilot programs may continue for a maximum of two years.~~

~~(b) Each program shall address the following subject areas as they interrelate with violence and to the extent they affect the geographic area served by the programs:~~

~~(1) Parenting, birthing, early childhood development, self-esteem, and family violence, to include child, spousal, and elderly abuse.~~

~~(2) Economic factors and institutional racism.~~

~~(3) Schools and educational factors.~~

~~(4) Alcohol, diet, drugs, and other biochemical and biological factors.~~

~~(5) Conflict resolution.~~

~~(6) The media.~~

SEC. 33. Section 14114 of the Penal Code is amended to read:

14114. (a) First priority shall be given to programs ~~which~~
that provide community education, outreach, *and* coordination,
and include creative and effective ways to translate the
recommendations of the California Commission on Crime Control
and Violence Prevention into practical use in one or more of the
~~subject areas set forth in Section 14113.~~ *following subject areas:*

(1) *Parenting, birthing, early childhood development,
self-esteem, and family violence, to include child, spousal, and
elderly abuse.*

(2) *Economic factors and institutional racism.*

(3) *Schools and educational factors.*

(4) *Alcohol, diet, drugs, and other biochemical and biological
factors.*

(5) *Conflict resolution.*

(6) *The media.*

(b) At least three of the programs shall do all of the following:

~~(a)~~

(1) Use the recommendations of the California Commission on
Crime Control and Violence Prevention and incorporate as many
of those recommendations as possible into its program.

~~(b)~~

(2) Develop an intensive community-level educational
program directed toward violence prevention. This educational
component shall incorporate the commission's works "Ounces of
Prevention" and "Taking Root," and shall be designed
appropriately to reach the educational, ethnic, and socioeconomic
individuals, groups, agencies, and institutions in the community.

~~(c)~~

(3) Include the imparting of conflict resolution skills.

~~(d)~~

(4) Coordinate with existing community-based, public and
private, programs, agencies, organizations, and institutions, local,
regional, and statewide public educational systems, criminal and
juvenile justice systems, mental and public health agencies,
appropriate human service agencies, and churches and religious
organizations.

~~(e)~~

(5) Seek to provide specific resource and referral services to
individuals, programs, agencies, organizations, and institutions

1 confronting problems with violence and crime if the service is not
2 otherwise available to the public.

3 ~~(f)–~~

4 (6) Reach all local ethnic, cultural, linguistic, and
5 socioeconomic groups in the service area to the maximum extent
6 feasible.

7 SEC. 34. Section 14119 of the Penal Code is amended to read:

8 14119. (a) ~~Commencing on or after July 1, 1985, the Office~~
9 ~~of Criminal Justice Planning shall contract for no more than four~~
10 ~~pilot programs as described in Section 14113.~~

11 ~~(b) Commencing on or after July 1, 1985, the~~ The Office of
12 Criminal Justice Planning shall promote, organize, and conduct a
13 series of one-day crime and violence prevention training
14 workshops around the state. The Office of Criminal Justice
15 Planning shall seek participation in the workshops from ethnically,
16 linguistically, culturally, educationally, and economically diverse
17 persons, agencies, organizations, and institutions.

18 ~~(e)–~~

19 (b) The training workshops shall have all of the following
20 goals:

21 (1) To identify phenomena which are thought to be root causes
22 of crime and violence.

23 (2) To identify local manifestations of those root causes.

24 (3) To examine the findings and recommendations of the
25 California Commission on Crime Control and Violence
26 Prevention.

27 (4) To focus on team building and interagency cooperation and
28 coordination toward addressing the local problems of crime and
29 violence.

30 (5) To examine the merits and necessity of a local crime and
31 violence prevention effort.

32 ~~(d)–~~

33 (c) There shall be at least three workshops.

34 SEC. 35. Chapter 10.7 (commencing with Section 25920) of
35 Division 15 of the Public Resources Code is repealed.

36 SEC. 36. Section 48695 of the Public Resources Code is
37 repealed.

38 ~~48695. (a) The board may, on or before July 1, 1995,~~
39 ~~establish a pilot program for recycling used oil filters. Any pilot~~
40 ~~program established pursuant to this section shall develop~~

1 opportunities for the public to voluntarily dispose of used oil filters
2 and be eligible for an incentive fee of four cents (\$0.04) upon
3 disposal.

4 (b) The board shall operate any pilot program established
5 pursuant to this section from July 1, 1995, until July 1, 1997. The
6 board shall, in conducting any pilot program established pursuant
7 to this section, solicit voluntary participation by certified used oil
8 collection centers and curbside collection programs, operate the
9 program in specific geographic areas selected by the board, and
10 pay a recycling incentive fee to every participating curbside
11 collection program or certified used oil collection center for used
12 oil filters collected from the public and transferred to a metal
13 reclaimer for the purpose of recycling.

14 (c) The board shall, on or before November 1, 1997, prepare a
15 report on the success or failure of any pilot program established
16 pursuant to this section and include recommendations for
17 legislation, if warranted, for a used oil filter recycling program.
18 The board shall make the report available to the Governor, the
19 appropriate policy and fiscal committees of the Legislature, and,
20 upon request, to Members of the Legislature.

21 (d) The board shall not expend more than one hundred twenty
22 thousand dollars (\$120,000) annually during each year of the
23 two-year pilot program for purposes of conducting the program.

24 (e) If a statewide oil filter recycling program is enacted by the
25 Legislature prior to July 1, 1997, the board shall terminate the pilot
26 program and prepare the final report within six months of the
27 enactment of the oil filter recycling program.

28 SEC. 37. Section 2802.5 of the Vehicle Code is repealed.

29 2802.5. (a) The Department of the California Highway
30 Patrol, in cooperation with the Public Utilities Commission, the
31 State Board of Equalization, the Department of Motor Vehicles,
32 the Judicial Council, and other appropriate agencies, shall develop
33 an interagency agreement under which the agencies shall assign
34 one or more employees or interagency clerks at one or more
35 commercial vehicle inspection facilities of the department which
36 are open on a continuous basis. The employees or interagency
37 clerks shall be assigned duties to perform on behalf of the state
38 agencies which are a party to the agreement as specified in
39 subdivision (b). However, in the case of the Judicial Council, the
40 clerk shall perform duties on behalf of the clerk of the municipal

1 court district in which the inspection facility is located, or of the
2 superior court in a county in which there is no municipal court.

3 (b) ~~The employees or interagency clerks may issue registration~~
4 ~~permits for any of the state agencies which are parties to the~~
5 ~~interagency agreement, accept the payment of any fees due any of~~
6 ~~the state agencies, accept payment of bail or fines, set court dates,~~
7 ~~and perform other ministerial administrative functions for the state~~
8 ~~agencies or court. The Department of the California Highway~~
9 ~~Patrol, in cooperation with the other state agencies, shall provide~~
10 ~~computerized equipment appropriate to identify the status of any~~
11 ~~vehicles or drivers passing through the inspection facility. The~~
12 ~~employees or interagency clerks shall accept payment by credit~~
13 ~~card. Assigned personnel may remain the employees of their~~
14 ~~respective agencies, or as may otherwise be provided by the~~
15 ~~interagency agreement. The interagency agreement shall provide~~
16 ~~for sharing of associated costs between participating agencies,~~
17 ~~based on the anticipated enhanced revenue collections.~~

18 (c) ~~At the request of any peace officer, the employees or~~
19 ~~interagency clerks shall determine the status of any outstanding~~
20 ~~warrants and whether all fees due have been paid with respect to~~
21 ~~a driver or vehicle present at the inspection facility.~~

22 (d) ~~A peace officer at the inspection facility may store or~~
23 ~~impound any vehicle upon determination that the vehicle or the~~
24 ~~driver of the vehicle has failed to pay registration, regulatory, fuel~~
25 ~~permit, or other fees, or has any outstanding warrants in any county~~
26 ~~in the state. The stored or impounded vehicle shall be released~~
27 ~~upon payment of those fees, fines, or the posting of bail. Upon~~
28 ~~request, the driver or owner of the vehicle may request a hearing~~
29 ~~to determine the validity of the seizure.~~

30 (e) ~~The Department of the California Highway Patrol may~~
31 ~~implement this program as a demonstration pilot program at one~~
32 ~~or more locations. The department, on or before February 1, 1992,~~
33 ~~shall report its recommendations for continuation, expansion, or~~
34 ~~termination of the program to the Legislature. The report shall also~~
35 ~~include comments from the trucking industry concerning the~~
36 ~~benefits and problems in the program and any recommendations~~
37 ~~as a result of the pilot project. The report shall also consider the~~
38 ~~potential for ports of entry at major highway entry points to~~
39 ~~California, similar to programs already implemented in other~~
40 ~~states.~~

1 SEC. 38. Section 4764.1 of the Vehicle Code is repealed.

2 ~~4764.1.—The Legislature finds that there is a significant loss of~~
3 ~~revenue to local governments due to the present inability of the~~
4 ~~department to collect unpaid parking violation penalties in cases~~
5 ~~where the ownership of a vehicle has been transferred. It is,~~
6 ~~therefore, the intent of the Legislature that the department, in~~
7 ~~cooperation with parking citation processing agencies, shall~~
8 ~~develop a plan to establish a pilot program by which parking~~
9 ~~violation penalties and administrative fees may be collected~~
10 ~~without regard to whether a vehicle is transferred.~~

11 SEC. 39. Section 4764.2 of the Vehicle Code is repealed.

12 ~~4764.2.—Notwithstanding Section 4764, the department shall,~~
13 ~~in cooperation with parking citation processing agencies, develop~~
14 ~~a plan to establish a pilot program by which parking penalties and~~
15 ~~administrative fees may be collected without regard to whether a~~
16 ~~vehicle is transferred. The plan shall address, but not be limited to,~~
17 ~~a review of the following:~~

18 ~~(a) A method by which parking violators with 25 or more~~
19 ~~notices of parking violations on file with the department can be~~
20 ~~identified and be made responsible for payment of their parking~~
21 ~~penalties. The director may establish a lower numerical threshold~~
22 ~~if it is determined to be cost-effective.~~

23 ~~(b) A system by which a common identifier can assist the~~
24 ~~department in identifying any vehicles owned by the same owner~~
25 ~~if a common identifier is deemed desirable.~~

26 SEC. 40. Section 4764.3 of the Vehicle Code is repealed.

27 ~~4764.3.—The department, pursuant to Section 4763, shall~~
28 ~~assess a fee to cover the costs of the pilot program.~~

29 SEC. 41. Section 4764.4 of the Vehicle Code is repealed.

30 ~~4764.4.—The department shall report on the plan developed~~
31 ~~pursuant to Section 4764.2 to the Legislature on or before March~~
32 ~~31, 1989. The report shall examine whether the costs of the pilot~~
33 ~~program can be recovered from fees and whether the pilot program~~
34 ~~will result in a net revenue gain for all local agencies which~~
35 ~~participate in the program. If the pilot program is shown to be~~
36 ~~cost-effective, then the department may request funding for the~~
37 ~~program in the 1989–90 Governor’s Budget. Upon appropriation~~
38 ~~of funds for the pilot program in the 1989–90 Budget Act, the~~
39 ~~department may implement a 24-month pilot program on or before~~
40 ~~December 31, 1989. The department shall submit an interim report~~

1 to the Legislature evaluating the results of the pilot program by
2 January 1, 1991, and a final report, with recommendations, by July
3 1, 1991.

4 SEC. 42. Section 729.11 of the Welfare and Institutions Code
5 is repealed.

6 ~~729.11.—(a) There is hereby established within the Office of~~
7 ~~Criminal Justice Planning, a demonstration program known as the~~
8 ~~“Juvenile Offender Substance Abuse Treatment Program.” The~~
9 ~~goal of the demonstration program shall be to provide substance~~
10 ~~abuse intervention options for the juvenile courts.~~

11 ~~(b) The Office of Criminal Justice Planning shall establish a~~
12 ~~county probation department demonstration project in at least~~
13 ~~three counties which shall be selected from among those counties~~
14 ~~submitting applications to the office. The demonstration projects~~
15 ~~shall be limited to the treatment of delinquent youth who have been~~
16 ~~assessed to be substance dependent or in imminent danger of~~
17 ~~substance dependence. Eligible youth will be those over which the~~
18 ~~juvenile court has retained jurisdiction pursuant to Section 602.~~

19 ~~(c) The goals and functions of each demonstration project shall~~
20 ~~include, but are not limited to, all of the following:~~

21 ~~(1) Development of substance assessment screening~~
22 ~~instruments at each project to be used at intake to classify the~~
23 ~~juvenile for possible placement in the program.~~

24 ~~(2) Intensive in-custody substance abuse programs, including~~
25 ~~drug and alcohol education, individual and group counseling,~~
26 ~~family counseling, job training, self-esteem and personal~~
27 ~~motivation, life skills, and a volunteer mentor support network.~~

28 ~~(d) Wards placed in custody shall be assigned to substance~~
29 ~~intervention team staff trained in program elements based on a~~
30 ~~reduced caseload.~~

31 ~~(e) All wards who complete an in-custody substance abuse~~
32 ~~program or those placed directly on probation by the courts who~~
33 ~~require substance abuse intervention shall be transferred to an~~
34 ~~intensive aftercare or maximum supervision probation caseload.~~
35 ~~Wards assigned to these intensive caseloads may be required to~~
36 ~~meet intensive surveillance standards, including antidrug testing,~~
37 ~~day reporting, frequent contact with the probation officer, frequent~~
38 ~~contact with a therapist, and participation in designated~~
39 ~~community service substance prevention work projects for~~
40 ~~selected youth.~~

1 During this period of supervision, program elements, similar to
2 those provided within juvenile custodial facilities, shall be
3 established in the community for individual probationers, and
4 their families, by designated intervention team staff. The
5 “intervention team staff” shall include a probation officer, a
6 treatment counselor, an educator, and job counselor.

7 (f) The development of the programs specified in subdivisions
8 (c), (d), and (e) shall be in consultation with the county drug and
9 alcohol administrator to assure appropriate program standards and
10 to assure that the program is not duplicative, and that it is
11 coordinated with California’s Drug and Alcohol Abuse Master
12 Plan, as specified in Section 11998.1 of the Health and Safety
13 Code.

14 (g) The demonstration program shall be a two-year program
15 and is contingent upon the availability and receipt of federal
16 Anti-Drug Abuse Act funding. The first-year funding of the
17 program shall be appropriated from moneys received by the Office
18 of Criminal Justice Planning pursuant to the federal Anti-Drug
19 Abuse Act of 1988 (Public Law 100-690). The second year of
20 funding the program shall be provided by the selected
21 demonstration program projects.

22 SEC. 43. Section 1760.3 of the Welfare and Institutions Code
23 is repealed.

24 1760.3. (a) For purposes of this section “graffiti” means any
25 unauthorized inscription, word, figure, or design which is marked,
26 etched, scratched, drawn, or painted on any structural component
27 of any building, structure, or other facility regardless of its content
28 or nature and regardless of the nature of the material of that
29 structural component.

30 (b) The Youth Authority shall establish and monitor the
31 progress of a three-year pilot project in Los Angeles County for the
32 removal of graffiti. The pilot project shall be administered by the
33 Los Angeles County Probation Office which shall require adults,
34 minors, or adults and minors, who are on probation, as part of
35 community service ordered to be performed as a condition of their
36 probation, to perform work necessary and proper to repair,
37 remove, clean, or reconstruct any damage or defacement resulting
38 from the application of graffiti to public buildings, structures, or
39 other facilities owned by the state, Los Angeles County, any city

1 ~~within Los Angeles County, or any district or other political~~
2 ~~subdivision of the state.~~

3 ~~(e) The Los Angeles County Probation Office also may, in its~~
4 ~~discretion, as part of the pilot project, require wards of the juvenile~~
5 ~~court who are placed in the juvenile hall for Los Angeles County~~
6 ~~or any juvenile home, ranch, or camp located in Los Angeles~~
7 ~~County to perform work necessary and proper to repair, remove,~~
8 ~~clean, or reconstruct any damage or defacement resulting from the~~
9 ~~application of graffiti to public buildings, structures, or other~~
10 ~~facilities owned by the state, Los Angeles County, any city within~~
11 ~~Los Angeles County, or any district or other political subdivision~~
12 ~~of the state.~~

13 SEC. 44. Chapter 1 (commencing with Section 8016) of
14 Division 8 of the Welfare and Institutions Code is repealed.

15 SEC. 45. Section 11265.5 of the Welfare and Institutions
16 Code is amended to read:

17 11265.5. (a) (1) The department may, subject to the
18 requirements of federal regulations and Section 18204, conduct
19 three pilot projects, to be located in the Counties of Los Angeles,
20 Merced, and Santa Clara, upon approval of the department and the
21 participating counties. The pilot projects shall test the reporting
22 systems described in subparagraphs (A), (B), and (C) of paragraph
23 (4).

24 (2) (A) The pilot project conducted in Los Angeles County
25 shall test one or both reporting systems described in subparagraphs
26 (A) and (B) of paragraph (4). The pilot project population for each
27 test shall be limited to 10,000 cases.

28 (B) The pilot projects in the other counties shall test one of the
29 reporting systems described in subparagraph (A) or (C) of
30 paragraph (4) and shall be limited to 2,000 cases per project.

31 (3) (A) The pilot projects shall be designed and conducted
32 according to standard scientific principles, and shall be in effect for
33 a period of 24 months.

34 (B) The projects may be extended an additional year upon the
35 approval of the department.

36 (C) The projects shall be designed to compare the monthly
37 reporting system with alternatives described in paragraph (4) as to
38 all of the following phenomena:

39 (i) Administrative savings resulting from reduced worker time
40 spent in reviewing monthly reports.

- 1 (ii) The amount of cash assistance paid to families.
- 2 (iii) The rate of administrative errors in cases and payments.
- 3 (iv) The incidence of underpayments and overpayments and
- 4 the costs to recipients and the administering agencies of making
- 5 corrective payments and collecting overpayments.
- 6 (v) Rates at which recipients lose eligibility for brief periods
- 7 due to failure to submit a monthly report but file new applications
- 8 for aid and thereafter are returned to eligible status.
- 9 (vi) Cumulative benefits and costs to each level of government
- 10 and to aid recipients resulting from each reporting system.
- 11 (vii) The incidence of, and ability to, prosecute fraud.
- 12 (viii) Ease of use by clients.
- 13 (ix) Case errors and potential sanction costs associated with
- 14 those errors.
- 15 (4) The pilot projects shall adopt reporting systems providing
- 16 for one or more of the following:
- 17 (A) A reporting system that requires families with no income
- 18 or whose only income is comprised of old age, survivors, or
- 19 disability insurance benefits administered pursuant to Subchapter
- 20 2 (commencing with Section 401) of Chapter 7 of Title 42 of the
- 21 United States Code, and with no recent work history to report
- 22 changes in circumstances that affect eligibility and grant amount
- 23 as changes occur. These changes shall be reported directly to the
- 24 county welfare department in person, in writing, or by telephone.
- 25 In all cases in which monthly reporting is not required, a form
- 26 advising recipients of what changes must be reported, and how
- 27 they may be reported shall be provided to recipients of aid along
- 28 with benefit payments each month.
- 29 (B) A reporting system that permits families with no income or
- 30 whose only income is comprised of old age, survivors, or disability
- 31 insurance benefits administered pursuant to Subchapter 2
- 32 (commencing with Section 401) of Chapter 7 of Title 42 of the
- 33 United States Code, and with no changes in eligibility criteria, to
- 34 report electronically monthly, using either an audio response or the
- 35 food stamp on-line issuance and recording system, or a
- 36 combination of both. Adequate instruction and training shall be
- 37 provided to county welfare department staff and to recipients who
- 38 choose to use this system prior to its implementation.
- 39 (C) A reporting system that requires all families to report
- 40 changes in circumstances that affect eligibility and grant amount



as changes occur. The changes shall be reported directly to the county welfare department in person, in writing, or by telephone. In all cases in which monthly reporting is not required, a form advising recipients of what changes must be reported, and how they may be reported, shall be provided to recipients of aid along with benefit payments each month.

(b) (1) The participating counties shall be responsible for preparing federal demonstration project proposals, to be submitted by the department, upon the department's review and approval of the proposals, to the federal agency on the counties' behalf. The development, operation, and evaluation of the pilot projects shall not result in an increase in the state allocation of county administrative funds.

(1.5) Each pilot county shall prepare and submit quarterly reports, annual reports, and a final report to the department.

(2) Each quarterly report shall be submitted no later than 30 calendar days after the end of the quarter.

(3) Each annual report shall be submitted no later than 45 days after the end of the year.

(4) (A) Each pilot county shall submit a final report not later than 90 days following completion of the pilot projects required by this section and Section 18920.

(B) (i) As part of the final report, the pilot counties shall prepare and submit evaluations of the pilot projects to the department.

(ii) Each evaluation shall include, but not be limited to, an analysis of the factors set forth in paragraph (3) of subdivision (a) compared to each other and the current reporting systems in both the AFDC and food stamp programs. The final evaluations shall be prepared by an independent consultant or consultants contracted with for that purpose prior to the commencement of the projects.

(C) The department shall review and approve the evaluations submitted by the pilot counties and shall submit them to the appropriate policy and fiscal committees of the Legislature.

(c) The department may terminate any or all of the pilot projects implemented pursuant to this section after a period of six months of operation if one or more of the pilot counties submits data to the department, or information is otherwise received, indicating that the pilot project or projects are not cost-effective or

1 adversely impact recipients or county or state operations based on
2 the factors set forth in subparagraph (C) of paragraph (3) of
3 subdivision (a).

4 (d) The pilot projects shall be implemented only upon receipt
5 of the appropriate federal waivers.

6 SEC. 46. Section 14115.6 of the Welfare and Institutions
7 Code is repealed.

8 ~~14115.6.—The department shall establish a pilot project under~~
9 ~~which a nurse practitioner may bill independently for services~~
10 ~~provided in a nursing facility, as defined in Section 1250 of the~~
11 ~~Health and Safety Code. Nurse practitioners shall be compensated~~
12 ~~by the department for those services which would be compensable~~
13 ~~had the services been provided by a physician. If a nurse~~
14 ~~practitioner chooses to bill independently for these services, the~~
15 ~~department shall make the payment for the services directly to the~~
16 ~~nurse practitioner. The department shall ensure that payments~~
17 ~~made to providers who employ nurse practitioners who bill~~
18 ~~separately are adjusted to reflect this separation so as not to~~
19 ~~increase the financial obligation incurred by the Medi-Cal~~
20 ~~program. The department shall establish a reimbursement rate for~~
21 ~~nurse practitioners who choose to bill independently pursuant to~~
22 ~~this section.~~

23 ~~The pilot project shall be in operation for one year and the~~
24 ~~department shall submit a report to the Legislature no later than~~
25 ~~three months after the completion of the project.~~

26 ~~Nurse practitioners shall, however, continue to bill through~~
27 ~~physicians for Medicare patients until such time as relevant federal~~
28 ~~regulations are changed or until waivers of relevant federal~~
29 ~~regulations are obtained.~~

30 ~~The department shall seek any federal waivers necessary to~~
31 ~~avoid conflict with federal law. If a waiver is necessary, the~~
32 ~~department may, until the waiver is obtained, limit the~~
33 ~~implementation of this section to the extent that federal matching~~
34 ~~funds are available.~~

35 SEC. 47. Section 14133.61 of the Welfare and Institutions
36 Code is repealed.

37 ~~14133.61.—The State Director of Health Services shall~~
38 ~~implement and pilot test the use of a micrographics document~~
39 ~~location and retrieval system in the San Francisco Medi-Cal Field~~
40 ~~Office during fiscal year 1981–82 as a means to reduce treatment~~

1 authorization request requirements on providers in the area served
2 by that field office. The purpose of the pilot test is to demonstrate
3 the feasibility of using a micrographics supported records system
4 to reduce TAR requirements on providers of Medi-Cal services.
5 System implementation shall be through a lease contract with a
6 micrographics company doing business in California. The State
7 Director of Health Services shall report progress on this pilot
8 project to the Legislature by July 31, 1982.

9 SEC. 48. Section 16515 of the Welfare and Institutions Code
10 is repealed.

11 ~~16515.~~ The State Department of Social Services shall select
12 two county children's service agencies to operate a model project
13 to provide respite care services for children with special needs in
14 the area of physical and health handicaps in foster care. The respite
15 care pilot project shall be operational until July 1, 1991.

16 (a) The director shall designate the County of Orange and the
17 County of San Diego as the pilot counties to provide respite care
18 for handicapped children in family homes, small family homes, as
19 defined in paragraph (6) of subdivision (a) of Section 1502 of the
20 Health and Safety Code.

21 (b) The services to be provided shall include respite care
22 defined as child care occurring up to 24 hours in one day. This
23 respite care shall not be provided for any longer than 48 hours for
24 any child in any one month.

25 (c) The State Department of Social Services in conjunction
26 with the Orange County Social Services Agency and the San
27 Diego County Department of Social Services, shall report to the
28 Legislature on the effectiveness of this respite care pilot project by
29 July 1, 1990. The evaluation report shall include, but not be limited
30 to, the following data, by county:

31 (1) The number of handicapped children in family homes and
32 small family homes before, during, and at the conclusion of the
33 respite care pilot project.

34 (2) The number of foster children for whom respite care was
35 provided by the pilot project.

36 (3) The number of hours of respite care provided by the pilot
37 project.

38 (4) The cost of providing respite care, on an hourly and
39 aggregated basis.

~~(d) This project shall be deemed to be successful if the Counties of Orange and San Diego each experience a 25 percent increase in the total number of family homes and small family homes.~~

SEC. 49. Article 2 (commencing with Section 18210) of Chapter 3 of Part 6 of Division 9 of the Welfare and Institutions Code is repealed.

SEC. 50. Section 18600 of the Welfare and Institutions Code is repealed.

~~18600. There is hereby established a two-year pilot project under which the State Department of Rehabilitation shall contract with private nonprofit organizations serving the blind to provide the newly blind and severely visually impaired persons 55 years of age or older with the following services as needed:~~

~~(a) Counseling.~~

~~(b) Personal adjustment including instruction in daily living skills.~~

~~(c) Instruction in orientation and mobility.~~

~~As used in this article a severely visually impaired person shall be defined as a person who, with best corrected vision, is unable to read newsprint.~~

SEC. 51. Section 18919 of the Welfare and Institutions Code is repealed.

~~18919. (a) The director may establish, within the Food Stamp Program, the Food Stamp Cash Out Demonstration Project.~~

~~(b) To enable San Diego County to conduct a demonstration project, the director may, by formal order, waive the enforcement of Section 18904 and specific regulations and standards. The order establishing the waiver shall provide alternative methods and procedures of administration and issuance, shall not be in conflict with the basic purposes or coverage provided by law, shall not reduce the amount of benefits that recipients would otherwise be entitled to under the Food Stamp Program, shall not be general in scope but shall apply only to this project, shall not exceed five years, and shall not take effect unless and until the following conditions have been met:~~

~~(1) The appropriate federal agency has agreed on or before June 30, 1989, to waive the federal requirements for the same project.~~

~~(2) A comprehensive plan, including an analysis of the expected costs and savings, has been published in a newspaper of~~

1 general circulation in San Diego County and filed with the policy
2 and fiscal committees of each house of the Legislature.

3 ~~(c) During the duration of the demonstration project, cashed~~
4 ~~out food stamp benefits shall not be considered as income in~~
5 ~~determining eligibility, the amount of aid, or benefit levels in any~~
6 ~~other public benefit or subsidy program. Applicants and recipients~~
7 ~~shall be entitled to the same rights to fair hearings and appeals that~~
8 ~~they would otherwise be entitled to under the Food Stamp~~
9 ~~Program.~~

10 ~~(d) San Diego County shall submit an annual report to the~~
11 ~~department on the demonstration project authorized by this~~
12 ~~section. The county shall additionally collect and report any data~~
13 ~~and findings as required by the department and shall cooperate~~
14 ~~with the department in evaluating the demonstration project.~~

15 ~~(e) Within nine months of the termination of the demonstration~~
16 ~~project authorized by this section, the department shall submit to~~
17 ~~the Legislature a report evaluating the effectiveness of the~~
18 ~~demonstration project. The report shall address, but not be limited~~
19 ~~to, the impact of the demonstration project on all of the following:~~

20 ~~(1) Food stamp processing and mailing costs.~~

21 ~~(2) Eligibility staff time and other administrative costs.~~

22 ~~(3) Losses caused by fraud and theft.~~

23 ~~(4) Changes in program benefits received by, and receptivity to~~
24 ~~cashed out benefits of, food stamp recipients.~~

25 ~~(5) Food stamp error rate prior to and during cash out of food~~
26 ~~stamps.~~

27 ~~(f) The director may extend the demonstration project to June~~
28 ~~30, 1997.~~

29 SEC. 52. Section 18920 of the Welfare and Institutions Code
30 is repealed.

31 ~~18920. (a) (1) The department may conduct three pilot~~
32 ~~projects, to be located in the Counties of Los Angeles, Merced, and~~
33 ~~Santa Clara, upon approval of the department and the participating~~
34 ~~counties. The pilot projects shall test the reporting systems~~
35 ~~described in subparagraphs (A), (B), and (C) of paragraph (4).~~

36 ~~(2) (A) The pilot project conducted in Los Angeles County~~
37 ~~shall test one or both of the reporting systems described in~~
38 ~~subparagraphs (A) and (B) of paragraph (4). The pilot project~~
39 ~~population in Los Angeles County shall be limited to 10,000 cases~~
40 ~~for each test.~~

1 ~~(B) The pilot projects in the other counties shall test one of the~~
2 ~~reporting systems described in subparagraphs (A) and (C) of~~
3 ~~paragraph (4) and shall be limited to 2,000 cases per project.~~

4 ~~(3) (A) The pilot projects shall be designed and conducted~~
5 ~~according to standard scientific principles, and shall be in effect for~~
6 ~~a period of 24 months.~~

7 ~~(B) The projects may be extended an additional year upon the~~
8 ~~approval of the department.~~

9 ~~(C) The projects shall be designed to compare the monthly~~
10 ~~reporting system with alternatives described in paragraph (4) as to~~
11 ~~the phenomena described in subparagraph (C) of paragraph (3) of~~
12 ~~subdivision (a) of Section 11265.5.~~

13 ~~(4) The pilot projects shall adopt reporting systems providing~~
14 ~~for one or more of the following:~~

15 ~~(A) A reporting system that requires households with no~~
16 ~~income, other than grants issued by the county welfare~~
17 ~~department, or whose only income is comprised of old age,~~
18 ~~survivors, and disability insurance benefits administered pursuant~~
19 ~~to Subchapter 2 (commencing with Section 401) of Chapter 7 of~~
20 ~~Title 42 of the United States Code, and with no recent work history,~~
21 ~~to report changes in circumstances that affected eligibility and~~
22 ~~benefit amount as changes occur. These changes shall be reported~~
23 ~~directly to the county welfare department in person, in writing, or~~
24 ~~by telephone. In all cases in which monthly reporting is not~~
25 ~~required, a form advising recipients of what changes must be~~
26 ~~reported, and how they may be reported, shall be provided to~~
27 ~~recipients of aid along with benefit payments each month.~~

28 ~~(B) A reporting system that permits households with no~~
29 ~~income, other than grants issued by the county welfare~~
30 ~~department, or whose only income is comprised of old age,~~
31 ~~survivors, and disability insurance benefits administered pursuant~~
32 ~~to Subchapter 2 (commencing with Section 401) of Chapter 7 of~~
33 ~~Title 42 of the United States Code, and with no changes in~~
34 ~~eligibility criteria, to report electronically monthly, using either an~~
35 ~~audio response system or the food stamp on-line issuance and~~
36 ~~recording system, or a combination of both. Adequate instruction~~
37 ~~and training shall be provided to county welfare department staff~~
38 ~~and to recipients who choose to use this system prior to its~~
39 ~~implementation.~~

~~(C) A reporting system that requires all households to report changes in circumstances that affect eligibility and benefit amount as changes occur. These changes shall be reported directly to the county welfare department in person, in writing, or by telephone. In all cases in which monthly reporting is not required, a form advising recipients of what changes must be reported, and how they may be reported, shall be provided to recipients of aid along with benefit payments each month.~~

~~(b) (1) The participating counties shall be responsible for preparing federal demonstration project proposals, to be submitted by the department. If federal approvals or waivers are necessary to implement the proposals, the department shall seek these approvals and waivers from the appropriate federal agency. The development, operation, and evaluation of the pilot projects shall not result in an increase in the state allocation of county administrative funds.~~

~~(1.5) The pilot counties shall prepare and submit quarterly reports, annual reports, and a final report to the department.~~

~~(2) Each quarterly report shall be submitted no later than 30 calendar days after the end of the quarter.~~

~~(3) Each annual report shall be submitted no later than 45 days after the end of the year.~~

~~(4) (A) Each pilot county shall submit a final report not later than 90 days following completion of the pilot projects required by this section and Section 11265.5.~~

~~(B) (i) The final reports shall each include an evaluation of the pilot project based on an analysis of the factors set forth in subparagraph (C) of paragraph (3) of subdivision (a) compared to each other, to the current reporting systems in the AFDC and Food Stamp programs and any additional factors as determined by the department. The final evaluation shall be prepared by an independent consultant or consultants contracted with for that purpose prior to the commencing of the projects.~~

~~(ii) Each evaluation shall include, but not be limited to, an analysis of the factors set forth in subparagraph (C) of paragraph (3) of subdivision (a) of Section 11265.5 compared to each other and the current reporting systems in both the AFDC and food stamp programs.~~

1 ~~(C) The department shall review and approve the evaluations~~
2 ~~submitted by the pilot counties and shall submit them to the~~
3 ~~appropriate policy and fiscal committees of the Legislature.~~

4 ~~(e) (1) The director may, by formal order, waive the~~
5 ~~enforcement of specific statutory requirements, regulations, and~~
6 ~~standards in one or more counties, as required for the~~
7 ~~implementation of the pilot projects.~~

8 ~~(2) Any waiver under paragraph (1) shall meet all of the~~
9 ~~following requirements:~~

10 ~~(A) It shall not conflict with the basic purposes, coverage, or~~
11 ~~benefits provided by law.~~

12 ~~(B) It shall not be general in scope, but shall apply only to this~~
13 ~~project.~~

14 ~~(C) It shall apply only during the authorized period during~~
15 ~~which the pilot projects are implemented under this section, not to~~
16 ~~exceed a period of three years.~~

17 ~~(D) It shall provide alternative methods and procedures of~~
18 ~~administration.~~

19 ~~(E) It shall not reduce the amount of benefits to which~~
20 ~~recipients would otherwise be entitled under the Food Stamp~~
21 ~~Program.~~

22 ~~(F) It shall not take effect unless and until the appropriate~~
23 ~~federal agency has agreed to waive the federal requirements for the~~
24 ~~same project.~~

25 ~~(d) The department may terminate any or all of the pilot~~
26 ~~projects implemented pursuant to this section after a period of six~~
27 ~~months of operation if one or more of the pilot counties submits~~
28 ~~data to the department, or information is otherwise received,~~
29 ~~indicating that the pilot project or projects are not cost-effective or~~
30 ~~adversely impact recipients or county or state operations based on~~
31 ~~the factors set forth in subparagraph (C) of paragraph (3) of~~
32 ~~subdivision (a).~~

33 ~~(e) The pilot projects shall be implemented only upon receipt~~
34 ~~of the appropriate federal waivers.~~

35 SEC. 53. Chapter 13 (commencing with Section 18990) of
36 Part 6 of Division 9 of the Welfare and Institutions Code is
37 repealed.